

Pat. H. H. H.
1871

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STATEMENT, &c.

BY

MAJOR MAGRATH

AND

RESULT OF EXAMINATION,

OF

Toronto Turf Club Accounts

1837-8-9;

BY

W. H. BOULTON, Esq.

R. STANTON, Esq.

& J. CAMERON, Esq. *Cash. Com. Bank.*



TORONTO,

PRINTED BY W. J. COATES,—160 KING STREET.

1840.

1840
(25)

STATEMENT by Major **MAGRATH**, in reference to
certain transactions in connection with *U. C. Turf
Club*.

THE publication of a Pamphlet, signed "John Maitland, Secretary Turf Club," which has been widely circulated throughout the Provinces, compels me to notice certain charges calculated to affect my character, especially among those personally unacquainted with me and my assailant.

I would premise, by stating the writer to have formerly served as Corporal in the Troop under my command; as, a reference to the paylist now in my possession, attested by the signatures of Colonels Bullock, Halket, and Jarvis, and his receipted account will prove; and, that he is now employed as a clerk in the Military secretary's Office.

Naturally anticipating the reception that a Pamphlet, sent before the public unsupported save by his own name and reputation, might meet, my assailant has attempted to invest it with a less equivocal character, by announcing it as "Correspondence &c. between Col. Mackenzie Fraser, Major McGrath, and Mr. Maitland." One solitary note of four lines from the former gentleman, has, it seems, entitled him to the distinction of appearing before the public as the Correspondent of Mr. John Maitland.

I pass over every thing in this creditable production save the immediate charges.

I may here perhaps, state, that I was a Member of the Finance Committee of the Race Club, of which Mr. Maitland was Secretary and Treasurer.

I take the first material allegation; "On the Monday or Tuesday evening after the Races, I waited upon you at your quarters in Bay Street, by appointment, agreeable to your anxious wish and paid over to you the monies I had further received, ex-

“ceeding the sum of £50, and assisted in making at the same time a balance sheet from the subscription book, &c. &c. shewing a healthy state of the funds, which I also left with you. Many sums of money I know, as a matter of course, were afterwards paid by you, and many more received, some of them through me, and this went on for some time, when, Mr. Heath came to the Military Secretary’s Office and informed me that you were out of funds, and requesting that Col. Mackenzie Fraser be asked to give you a cheque or order for the remaining money in the Farmer’s Bank (£28 odd). I instantly wrote the Colonel a note containing the substance of your message, and was always given to understand that you had received the amount from the Bank until the other day.”

Subsequently, Mr. Maitland at page 8, charges me, at a meeting of the Stewards, in these words ; “He laid open his budget and a statement of accounts shewing the Race funds in his debt to an amount over 30*l*, which I pronounced to be erroneous, and asked him *if he still denied receiving the 128 7 6 from Col. M. Fraser, which he stoutly adhered to on being asked the same question three times*—whereupon I told him he had received it, and on his being still further interrogated by me as to what had become of the balance sheet and original copy of entries for the Races, he remained silent.”

At page 6, is given a note from Col. Fraser enclosing one of mine, acknowledging the receipt of 128 7 6 from him.

So stands the charge ; & the question is thus broadly put. Have I embezzled 128 7 6 of the Race funds, or have I been falsely accused by a wilful slanderer.

In three several shapes Mr. Maitland has recently advanced this accusation :

1st,—That he paid me 128 7 6 himself. 2nd.—He asserted before Mr. Heath* and Sergeant Holland,

*NOTE.—See Mr. Heath’s Letter in Appendix.

that he gave Mr. Heath £28 7 6, and 3rd.—In the pamphlet, he avers that it was paid me by Col. Fraser by cheque on the Farmer's Bank in my favor.—Whether each of these substantially different charges refers to a distinct sum of £28 7 6, or whether Mr. Maitland, with characteristic sagacity, has made his statement in three different forms, to afford a chance of *one at least proving correct*, must be left to himself; suffice it for me to meet it in its last tangible shape.

It is perfectly correct that I received £28 7 6 from Col. Fraser. It is wilfully and maliciously false that I received, *in addition*, a sum "exceeding £50," as stated in page 5.

On an investigation before the Stewards, and also before three gentlemen, appointed to examine our accounts, viz. Mr. Stanton, Mr. J. Cameron, of the Commercial Bank & Mr. W. H. Boulton, I produced my account. I gave Mr. Maitland credit for a balance of £50 2 6.

In support, I produced my cash book, in which for the last two years, all my money transactions are regularly entered. This balance I shewed to be made up of the following three sums:—1st. £16 10 cash received by me from Mr. Maitland, on the evening he states that he paid the £50. 2nd. £5 5, Mr. Cumming's subscription, &c. 3rd. £28 7 6 *entered therein at the very time it was received from Col. Fraser*, viz. August, 1839, forming part of this very sum of £50 2 6, which I credited to Mr. Maitland!

In presence of Col. Airey and other Stewards, at the meeting of the 24th July, I did state, and do still, that I never did receive the sum in question, £28 7 6, from Col. Fraser, in addition to the sum at that moment credited by me to the races, and it must appear evident to every one, that Mr. Maitland wanted me to acknowledge the receipt of that sum twice.

A reference to the accompanying Accounts and Reports of the Arbitrators will test my accuracy at a slight glance.

This is the manner in which I "denied receiving the £28 7 6 from Col. M. Fraser, which I strictly adhered to on being asked the same question three times."

With respect to the accounts themselves, the statements of the gentlemen who have given them a most patient investigation, are now before the public, to them I would refer without note or comment.

I may be allowed to remark, however, that with the races of 1837 and 1838 I could not have anything to do, as I was not even here at the time, (in the former year being at Niagara, in the latter quartered at Brantford,) there cannot be any grounds for indentifying me with the money transactions of those years, my transactions are confined solely to 1839 after the races were over.

Soon after Col. Fraser's return from Lower Canada I waited on him, and for the first time, found that the £28 7 6 as stated by Mr. Maitland, as having been paid by him, Mr. Maitland, first to Mr. Heath and then to me, to be one and the same sum, that I had received from Col. Fraser, for J. Maitland and P. Buchanan, and which was at the time Mr. Maitland brings the charge against me, credited to the Races and included in the sum of £50 2 6.

It will be observed by Mr. Maitland's pamphlet, that by his letter 30th April, 1840, he sends me, "*un-asked be it observed,*" his Racing accounts for 1837 & 1838, with the alleged reason *that they may assist me in making out mine for 1839,*—the object is now apparent, Mr. Maitland dubs me, as it will be seen on reference to his account for 1838, "Acting Treasurer" for 1839—to make me liable for rendering all the accounts for 1839. Mr. Maitland states in his letter of July 24th 1840, that "*at my earnest request*" he gave over the accounts, and fifty pounds to me. I would call attention to his letter, the first in his pamphlet, in which he acknowledges that I had *overpaid* money on account of the Races in August 1839, and would ask

how can these apparent contradictions be reconciled, if Mr. Maitland, as he states, had paid me £50, how does it happen that in two months afterwards he allows that I had *overpaid* money on account of the Races.

Now with reference to Mr. Maitland's letter to me 24th July, 1840, (to which it will be observed, that in another part of his pamphlet he complains "no answer appears from Major Magrath,") and in which letter to me of 24th July, 1840, he concludes by something in the nature of a threat, "that unless I make a satisfactory statement and settlement," he will call a meeting, &c. Mr. Maitland seems to have forgotten that on the very 24th July, 1840, a meeting principally I may say, at my instigation (for after what had occurred I was anxious to have matters disposed of) was actually held at the Ontario House by the Stewards, (Col. Airey in the chair) for the express purpose of settling these accounts. What answer then, in the name of common sense, could Mr. Maitland expect, or what right had he to expect any answer to a letter written on the very same day, when the statements were to be rendered by me at that meeting of the Stewards, and settlements to be made.

Why that meeting did not settle the statements laid before them, Mr. Maitland would account for by saying, "The President not considering these matters of 1839, properly coming under the jurisdiction of the Stewards of this year, (1840) the budget of papers was by Major Magrath handed over to his successor, Mr. William Boulton, the present Treasurer." *Note what follows!!* "In whose hands I have since looked over them." Yes indeed! Mr. Maitland, "since looked over them," when I was *not* present and before he published his pamphlet, he there saw that I had credited as received from J. Maitland £50 2 6, hence the attempt on his part to fix upon me the receipt of the additional sum of £28 7 6, as from Col. Fraser.

The refutation to this is the decision come to by the majority of the arbitrators (I may call them such,) Robert Stanton, Esq., named by myself, and John Cameron, Esq., Cashier of the Commercial Bank, named by William Boulton, Esq., who distinctly state their conviction on the production of my cash book before them, and the detailed and vouched accounts, which I produced, that *that no corresponding sum of the like amount (£28 7 6,) was received by me, either from Col. Fraser, or from Mr. Maitland, or from any other person.* I am not aware that anything in addition to this from myself, could by possibility strengthen my cause.

I abide by it with the positive declaration that it is the truth, and that I have in "good faith" accounted for all monies received and expended by me for the year 1839.

I cannot conclude without alluding to the accusations made in Mr. Maitland's pamphlet against Mr. Heath, as connected with these Races, (1839):—not satisfied with making charges against me, Mr. Maitland must extend his rancour to this gentleman, who is under my command. For me to speak in his commendation on this occasion, when we are both involved by the same individual in charges of the most disreputable kind, would be superfluous. To show the character of the accusations, however, and the spirit in which they are made, by Mr. Heath's request I have also appended hereto, a "correspondence" which speaks for itself, and which if any thing can do so, must place Mr. Maitland in the unenviable position in which Mr. Heath properly places him, of having "paid an utter disregard to the truth."

I may here notice too that Col. Fraser during the absence of Col. Halkett, is Acting Military Secretary, an orderly from the Troop under my command attending daily at that office. I am confident it was without the knowledge of Colonel Fraser that Mr. Maitland, who is a clerk in that office, distributed his slanderous publication, containing charges not only against myself, but also against Mr. Heath, an officer under

my command, by employing Col. Frazer's orderly for that purpose, who delivered at my own quarters a copy directed to me, and another for the Officers under my command; the orderly reports that he was employed from two o'clock until half-past six, on the 18th delivering the publications alluded to.

This extraordinary charge may be thus summed up:—I am accused of receiving £28 7 6 from Col. Frazer, and of subsequently denying its receipt. I have proved to the satisfaction of the arbitrators that the balance with which I credited Mr. Maitland £50 2 6, was correct, and was made up of three sums *one of which was the very sum of £28 7 6 received from Col. Fraser.*

Now, unless another sum of precisely the same amount can be shown to have been received by me, and this has not been ever asserted—my refutation of the slander is complete.

I may consider myself fortunate in being able by vouchers and written testimony, to meet this creditable charge—had I been unprovided with such undeniable witnesses, my character among strangers might have suffered in a contest with an assailant so prodigal of *assertion*—so miserly in *fact*.

I have now done; no subsequent attack of any description from the same quarter can draw from me any further remark.

To those personally unacquainted with me I principally direct this statement. Those who know both me and my antagonist would hardly have required me to make even this answer to the accusations of Mr. John Maitland.

THOMAS W. MAGRATH.

Toronto, August 28th, 1840.

It may be proper to mention, that the above, with the accompanying documents, would have appeared at an early period, but from some unavoidable delay; the papers from Mr. Boulton, Mr. Cameron and Mr. Stanton only reached me yesterday, 26 inst.

T. W. M.

First, That in the Racing accounts for 1837, there being a deficiency of £75, Mr. George Duggon, one of the Stewards for that year, advanced that sum,

Secondly, That Mr. John Maitland, then Secretary of the Races, did by sums received in 1837, pay to Mr. Duggan £40, on account of his advances, in two sums of £28 and £12, and that to the beginning of the year 1839, there was still due to Mr. Duggan by the Turf Club £35.

Thirdly, That there appears to have been due to Mr. Maitland in 1838, on account of the Races, £8 6 6, which sum appears to have been paid by Major Magrath.

Fourthly, That Mr. Maitland's account, with the Races stands as follows:—

Dr. John Maitland in account with the Turf Club. Cr.

1837.		1837.	
To cash received from G. Dug-		By sundry Purses	
gan to pay balance		& Stakes paid for	
of Stakes & Purses		Races of 1837., £75	0 0
for 1837..... £75	0 0	By cash pd. G. Dug-	
Turf dues received	45 0 0	gan in part..... 40	0 0
		By balance to ac-	
		count 5	0 0
	<u>£120 0 0</u>		
1838.			
To balance..... £5	0 0		
To Turf dues, 1838, 151	5 0	By sundry pay-	
To balance to my		ments 164	11 6
account..... 8	6 6		
	<u>£164 11 6</u>		<u>£164 11 6</u>
1839.		1839.	
To cash from Major		By balance..... £8	6 6
Magrath..... 35	0 0	Cash paid balance,	
To balance due J.		note to Duggan.. 35	0 0
M. rec'd. from do. 8	6 6		
	<u>£43 0 0</u>		<u>£43 0 0</u>

Here Mr. Maitland's account ends, he having no claim against the Club, and the Club having no claim against him.

Fifthly, It appears that in 1839, Major Magrath paid the above balance of £35, shewn to be due on account for 1837, and that in 1840 he paid Mr. Maitland £8 6 6, being the balance due him in 1838.

Sixthly, That Major Magrath's accounts sent in, shew as follows:—

Dr. Major Magrath in account with the Toronto Races. Cr.

1839.	1839.
To amount received from sundry per- sons for 1839...£26 10 0	By amount paid sun- dry Stakes....£108 4 8
Amount paid by J. Maitland 50 2 6	
Balance due Major Magrath..... 31 12 2	
£108 4 8	£108 4 8

Seventhly, It appears further that Major Magrath received from Col. Fraser the sum of £28 7 6, which if deducted from the above balance, would make Major Magrath a creditor of the Club to the amount of £3 4 8, instead of £31 12 2 as above charged.

Eighthly, It is stated by Major Magrath, that the above sum of £28 7 6 is included in the above item of £50 2 6, with other sums received by him on account of the Races, and to prove this, he produces his cash book, in which appear the following entries:—

29 June, 1839, cash.....	£16 10 0
13 Aug., 1839, cash per Col. Fraser, Race account	28 7 6
15 Feb., 1840, cash per Cumming's subscription..	5 5 0
	£50 2 6

by which it appears, that unless Major Magrath received £50 2 6 from Mr. Maitland in one sum he has accounted for the above sum of £28 7 6.

Ninthly, That Mr. Maitland does not appear in any account to have charged the Race funds with £35, but that he admits that sums to have been paid by Major Magrath.

Tenthly, That there appears due to Major Magrath on his accounts as rendered by him £31 12 2.

RESULT OF INVESTIGATION.

That Major Magrath's accounts with the Races for 1837, 1838, and 1839 is justified in charging against the Race funds in his hands in 1839 as follows:—

Balance due Mr. Duggan on money advanced in 1837 and paid in 1839.....	£35	0	0
Balance due Mr. Maitland in 1838 and paid in 1840, £8	6	6	

That if Major Magrath's accounts as rendered are correct, the Race funds owe him £31 12 2, but that if he received from Col. Fraser £28 7 6 in addition to what he credits in in account, the funds only owe him £3 4 8; that no over-charge has been made by Mr. Maitland in his accounts, and that none appears to have been made by Major Magrath.

Herewith are added—

No. 1. Mr. Maitland's statement for 1837, shewing a debt due by the Club that year of £75, and the manner in which that debt was paid off.

No. 2. His account for 1839.

No. 3. Major Magrath's account for 1839.

Signed by me, Mr. Stanton and Mr. Cameron dissenting,

WM. H. BOULTON.

Toronto, Aug. 23, 1840.

RESULT OF INVESTIGATION.

(MESSRS. STANTON AND CAMERON.)

Robert Stanton, Esq. named by Major Magrath, and John Cameron, Esq., named by William Boulton, Esq., having been requested, together with William Boulton, Esq., to examine certain accounts of the Toronto Turf Club, viz :—

Mr. John Maitland's account for the years 1837 & 1838.

And Major Magrath's account for 1839.

Mr. Boulton, Mr. Stanton, and Mr. Cameron have accordingly held meetings for the investigation of these accounts, and have had the parties before them.

The accounts for 1837 & 1838, as stated by Mr. Markland in his note to Major Magrath of 30th April, 1840, to be his racing accounts for those years, and under his signature, are laid before us.

On these accounts so rendered by Mr. Maitland for 1837 and 1838, we find as follows :—

That they are unsupported in any of their items, by vouchers—

That being so unsupported by vouchers, their contents have been assumed to be correct, unless any of the items are objected to, as questionable, or to be disallowed.

That it appears in the year 1837—

That Mr. Maitland debits himself with the sum of £80 0 0.

That the account for 1837 was not closed till some time in the year 1840, showing a balance in his hands of £5 0 0.

That in Mr. Maitland's account for the year 1838, this balance of £5 0 0 is duly brought forward by him to the credit of the Race Fund ; and that in that account (1838) the debits and credits are continued by him to the close of that Race year, showing a balance in his favour of £8 6 6.

That in Mr. Markland's account for the year 1837, credit is taken by him for the sum of £35, as an amount paid to Geo. Duggan, Jr. Esq., which sum of £35, we find was not paid by Mr. Maitland, but subsequently advanced in 1839, by Major Magrath, from his private funds, on account of, and to be refunded to him from the then current race receipts of that year (1839.)

That this payment of £35 not having been made by Mr. Maitland, is erroneously taken credit for by him, and should therefore be taken out of his account.

That on taking it (£35) out of his account, there would appear for the years 1837 and 1838 the following result :—

Debit Mr. Maitland for erroneous credit.....	£ 35	0	0
Credit Mr. Maitland for balance shown on his account.....		8	6 6

Debit Mr. Maitland as due to the Race Fund ending 1838.....	£ 26	13	5
---	------	----	---

That on the statements of these accounts as produced before us, under Mr. Maitland's signature, deducting the erroneous credit, we find—that in the year 1837 and 1838, Mr. Maitland would appear indebted to the Race Fund in the above sum of £26 13 6.

That on the account submitted to us from Major Magrath, under his signature for monies received and expended by him on account of the Races for the year 1839, we find—

That the sum credited by him to have been received, as "from John Maitland," is..... £50 2 6

That Major Magrath produces before us, his private cash book, containing general entries of receipt and expenditure, in which, appear, among many, the following entries, viz :—

June 29, 1839, "Cash from J. Maitland, Races account....."	£ 16	10	0"
Aug. 13, 1839, "Cash from Col. Fraser, Races account....."	28	7	6"
Feb. 15, 1840, "Cash, Cummings Subscription, &c"	5	5	0"
		50	2 6

That these items, so detailed, in Major Magrath's cash book, *computed together*, correspond exactly with the gross sum above stated (£50 2 6,) and that we do not find that any other, or further sum, corresponding in amount to the sum of £28 7 6 has been received by Major Magrath, from Col. Fraser, or from Mr. Maitland, or from any other person.

That the said sum of £28 7 6 was received by Major Magrath from Col. Fraser, on the Colonels open check, not drawn in favour of any person, but "to bearer," cashed at the Farmers Bank on 13th August, 1839, and that Major Magrath's letter of acknowledgment to Col. Fraser, of 11th Aug. 1839, purporting as it does, to be "for J. Maitland and P. Bu-

chanan," form part of the said £50 2 6, and is included as an item in the gross sum, credited as being received on the same account.

That this item of debit in Major Magrath's account is correct, and includes in it the sum of £28 7 6, received from Col. Fraser.

That the other items of debit in Major Magrath's account are satisfactorily detailed, amounting to the sum of £26 10 0

That the whole amount of monies received by Major Magrath, on account of Races for 1839, is.... £76 12 6

That the accounts and vouchers produced by
Major Magrath for sums paid by him, and
admitted items of current and ordi-
nary expenditure, incidental to the Races
of 1839, are in all respects clearly detailed
and satisfactory, and that they amount in all
to the sum of..... £108 4 8

From which deducting the above amount received by him..... 76 12 6

There remains due to him by the Race fund 1839 £31 12 2

That with the explanation afforded, it satisfactorily appears that Major Magrath, has in good faith, and by the production of his private cash book, and of proper vouchers, duly accounted for all monies received and expended by him.

Copies of the accounts as produced before us, are herewith interchanged to the parties.

Signed by us, Mr. Boulton dissenting.

ROBERT STANTON.
JOHN CAMERON.

Toronto, 22nd August, 1840.

(No. 1.)

1837.

STATEMENT Showing the Wind up of the Racing Account for the September Meeting at Toronto 1837,

Captain FREDERICK MAITLAND, 24th Regiment, Preses.

Dr.

Cr.

1837 Sep.	To Amount of Bill discounted in the Agricultural Bank to pay Stakes and Plate, &c. This became necessary (from a serious disturbance having occurred on the Race Course on the second day of the meeting) to gain time to collect the subscriptions when many of the subscribers and also several of the stewards refused payment.....				
	To Difference between the £12 paid by Mr. Maitland to Mr. Duggan, and £17—Mr. M. having ultimately succeeded in collecting subscriptions to the amount of the last mentioned sum.....	75	0	0	
	MEMORANDUM.—The sum of Seven pounds, currency, was paid into the funds this year, by Mr. Maitland, which amount was saved from the preceding year, viz :—1836.	5	0	0	
	Amount Dr.....£	80	0	0	
1837 Oct.	By Cash paid to George Duggan, Esq. (a steward who retired, the Bill) by J. R. McKnight, Esq. (a steward and acting Treasurer).....				28
1839 Oct.	By Cash paid to ditto by the hands of Mr. Maitland, secretary.....				12
	By Cash paid to ditto from the Race Fund of 1839, by the hands of Major Magrath, (a steward and acting Treasurer).....				35
	By Balance carried to 1838.....				5
	Amount Cr.....£				80

(Signed.)

JOHN MAITLAND.

(18. 2.)
STATEMENT of accounts showing the Receipts and Disbursements of the Racing Funds for the year 1888, (May Meeting) and the intermissions of Mr. J. Maitland, with Racing monies up to the present time, he having delivered over to Major Magrath, a Steward and acting Treasurer, all monies, subscription book, vouchers and accounts belonging to the Races in 1889, after the meeting of June in that year.

MR. MAITLAND,	DR.	CR.
1838		
To sum in Mr. Maitland's hands given in 1837....	5 0 0	
May To Total amount of subscriptions, as per sub- scription book.....	61 5 0	62 10 0
To Four entrances for City Plate, at £5 each....	28 0 0	5 0 0
To Five entrances for Forresters Plate at £1 10.	7 10 0	
To Received from Officers of the Royal Forres- ters, by the hands of Captain Pocock to pay Plate	20 0 0	40 7 6
To Four entrances for County Plate at £4 each.	16 0 0	4 0 0
To Six entrances for "Queen's Own" Plate at £1 10 each.....	9 0 0	15 0 0
To Received from Officers of the Queen's Own, by the hands of Captain Benson, Paymaster, to pay plate.....	15 0 0	1 10 0
To Five entrances for saddle at 10s. each.....	2 10 0	19 19 0
To Balance due Mr. Maitland	8 6 6	1 10 0
		4 10 0
		10 0 0
		2 10 0
		1 0 0
		1 5 0
		5 0 0
		164 11 6
		L
1838		
May By cash paid Mr. Yarker for "Midas" winning city plate, 50 sovereigns		
To second Horse in, do.....		
To Mr. Yarker for "Rival" winning county plate £30, less £5 12 6, 5 per cent. on both races and £4 then due him.....		
To Second Horse.....		
To Fanny, to amount of "Queen's Own" Plate (£21.) £15, [still due £6.].....		
To Second Horse, do.....		
To Fanny, "Forresters' Plate," £21, less 5 p. c...		
To Second Horse.....		
To Atkinson for Saddle.....		
To second Horse for do.....		
To Mr. Dalton, for advertising.....		
To cartage of weights, and other incidental ex- penses		
To Niagara paper for advertising Races of 1837.		
May To Spirit of Times, per Capt, Arthur, 4 Sov'gs.		
		164 11 6
		L

(Signed.)

JOHN MAITLAND.

(Signed.) JOHN MAITLAND.

(No. 3.)

RACING ACCOUNT FOR 1839.

Dr *The Toronto Races with Major Magrath for 1839.* Cr.

1839		1839	
To Amount of sundry bills paid per vouchers herewith.....	L108 15 9	By Amount received by Major Magrath for 1839 from sundry persons, per statement herewith	26 10 6
Less unaccounted for.....	11 1	By Amount paid Major Magrath by Mr. Maitland.....	50 2 6
		By Balance due to Major Magrath.....	31 12 2
	L 108 4 8		L 108 4 8

MARCH 31st, 1840.

(Signed.)

THOMAS W. MAGRATH.

LETTER FROM C. W. HEATH TO MAJOR MAGRATH:

Toronto, August 23, 1840.

SIR,

My recollection of the conversation which took place on 27th June, 1840, between Mr. Maitland and myself, you being present, on the subject of a payment to you of £28 7 6, connected with the races of 1839; is, that on my coming into the room, Mr. Maitland said he had given me that sum, £28 7 6, to hand to you on account of the races. He never gave me any such sum at any time, and so I told him.—You then said, in Mr. Maitland's presence, why he has just said he gave it to me himself, and now says he handed it to you for me.

I have the honor to be,

Sir,

Your obed't. humble serv't.

To Major Magrath,
&c. &c. &c.

C. W. HEATH.

RACE CORRESPONDENCE.

Toronto, 24th August, 1840:

Sir,—A Pamphlet lately extensively circulated, as I believe, by Mr. John Maitland, containing assertions injurious to my character, having been printed at "the Colonist Office," I am induced to request that you will, as an advertisement, insert this letter, together with the accompanying enclosures, (in the order in which they are numbered,) having received the assent of the gentlemen whom I addressed on the subject, to make such use as I might think proper of their replies, in your paper of Wednesday next; in order that the public may have an opportunity of judging of the degree of credit, which is to be attached to the assertion made by Mr. Maitland respecting me, *and whether, in this instance, he has not evinced an utter disregard for the truth.*

I have the honour to be, Sir,

Your obedient, humble servant,

C. W. HEATH.

Hugh Scobie, Esq.,
Editor British Colonist.

Copy of Correspondence between Lieut. Col. Airey, Mr. W. H. Boulton, and Mr. Heath.

[No. 1.]

TORONTO, August 21st, 1840:

SIR,—Having seen a publication signed by Mr. John Maitland, Secretary Turf Club, on matters connected with the Race Meeting 1839, &c., &c., &c., in which the following statement is made, "I also asked Mr. Heath (having on a previous occasion reminded him,) if he took the saddle entrances at the June Meeting, 1839, they not being credited in Major Magrath's accounts? *he said he certainly did not.*"

I request, that, as President of the Upper Canada Turf Club, and Lieut. Colonel in Her Majesty's service, to which I have the honour to belong, that you, presiding on that occasion, viz., the 24th July, will be kind enough to state what answer I gave on that occasion, and what explanation I made.

For your information I enclose the publication alluded to, which you will please return.

I have the honour to be, Sir,

Your obedient, humble Servant,

To Lieut. Col. Airey,
Commanding 34th Regt.

C. W. HEATH.

[No. 2.]

TORONTO, U. C. 22nd August, 1840.

SIR,—In reply to your letter, dated yesterday, I beg to state that I have a perfect recollection of Mr. John Maitland having, at one of the meetings of the Stewards of the Toronto Races, either asked you whether you had not, or having taxed you with having received the entrance money for a saddle race, at the Meeting of 1839, which circumstance you, in my presence, at once and distinctly admitted—saying at the same time, that from the weather having been rainy, and your having had a "Macintosh" on, that you had dropped the original entrances in attempting to put the money into your waistcoat pocket, and that you had then borrowed a like sum from Mr. James Magrath, (if I remember right) and which you had paid to the winner of the race.

Some person was then brought into the room by Mr. Maitland, when you immediately said, "That is not the man I paid the money to."

I have the honour to be, Sir,

Your very obedient, humble, Servant,

RICHARD AIREY,

C. Heath, Esq.,

Lieut. Colonel 34th Regiment.

1st Incorporated Dragoons.

[No. 3.]

TORONTO, August 21st, 1840.

SIR,—Having seen a publication, signed by Mr. John Maitland, Secretary Turf Club, on matters connected with the Race Meeting 1839, &c., &c., &c., in which the following statement is made, "I also asked Mr. Heath, (having on a previous occasion reminded him,) if he took the saddle entrances at the June Meeting 1839, they not being credited in Major Magrath's accounts? he said he certainly did not."

I request, that, as Treasurer of the Upper Canada Turf Club, and having been present at a meeting of the Stewards on the 24th July, you will be kind enough to state what answer I gave, and what explanation I made on that occasion.

I have the honour to be, Sir,

Your obedient, humble servant,

C. W. HEATH,

W. H. Boulton, Esq.,
Treasurer, U. C. Turf Club.

[No. 4.]

TORONTO, 22nd August, 1840.

SIR,—In reply to your communication of the 21st instant requesting me to state what reply you gave to Mr. Maitland on the 24th July last, at a meeting of the Stewards for the Races of 1840, when he asked you if you had received the saddle entrances at the June Race Meeting in 1839; I beg to state that I distinctly recollect your stating, "That you received the saddle entrances for that year; that you paid them to some person who, at the time, you conceived entitled to them, but that, if erroneously paid over, you were willing again to account for the sum received if required to do so."

I have the honour to be, Sir,

Your obedient, humble servant,

W. H. BOULTON,

Treasurer for 1840.

C. W. Heath, Esq.,
&c., &c., &c.

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